

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

HERMAN T. CLARK,

Plaintiff

vs.

LAVONNA BARTLING, et al.,

Defendants

No. CIV-08-05-C

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on December 1, 2008. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted. This Court finds that while Plaintiff has a right to sue Defendant Workman in his official capacity for injunctive relief, he has failed to plead facts permitting such a remedy, and has additionally failed to allege personal participation sufficient to support individual capacity claims. This action is therefore dismissed against Defendant Workman.

IT IS SO ORDERED this 15th day of January, 2009.



ROBIN J. CAUTHRON

United States District Judge